

otherwise, such lands or interests in lands as he deems necessary for use as sites, or additions to sites, for public buildings authorized to be constructed or altered under this chapter.

(b) Public buildings used in whole or in part for post office purposes; cooperation between Administrator and Postal Service

Whenever a public building is to be used in whole or in part for post office purposes, the Administrator shall act jointly with the United States Postal Service in selecting the town or city wherein such building is to be constructed, and in selecting the site in such town or city for such building.

(c) Solicitation of proposals for sale, donation, or exchange of real property; selection of site most advantageous to United States

Whenever the Administrator is to acquire a site under this section, he may, if he deems it necessary, solicit by public advertisement, proposals for the sale, donation, or exchange of real property to the United States to be used as such site. In selecting a site under this section the Administrator (with the concurrence of the United States Postal Service if the public building to be constructed thereon is to be used in whole or in part for post office purposes) is authorized to select such site as in his estimation is the most advantageous to the United States, all factors considered, and to acquire such site without regard to title III of the Federal Property and Administrative Services Act of 1949, as amended [41 U.S.C. 251 et seq.].

(Pub. L. 86-249, §5, Sept. 9, 1959, 73 Stat. 479; Pub. L. 91-375, §4(a), Aug. 12, 1970, 84 Stat. 773.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (c), is act June 30, 1949, ch. 288, 63 Stat. 393, as amended. Title III of the Federal Property and Administrative Services Act of 1949 is classified generally to subchapter IV (§251 et seq.) of chapter 4 of Title 41, Public Contracts. For completed classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

TRANSFER OF FUNCTIONS

In subsecs. (b) and (c), "United States Postal Service" substituted for "Postmaster General" pursuant to Pub. L. 91-375, §4(a), Aug. 12, 1970, 84 Stat. 773, set out as a note under section 201 of Title 39, Postal Service, which abolished office of Postmaster General of Post Office Department and transferred its functions to United States Postal Service.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 603 of this title.

§ 605. Construction of new buildings

(a) Replacement of existing buildings; demolition, exchange or sale

Whenever the Administrator deems it to be in the best interest of the United States to construct a new public building to take the place of an existing public building, he is authorized to demolish the existing building and to use the site on which it is located for the site of the proposed public building, or, if in his judgment it is more advantageous to construct such public

building on a different site in the same city, he is authorized to exchange such building and site, or such site, for another site, or to sell such building and site in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.].

(b) Sale or exchange of sites

Whenever the Administrator determines that a site acquired for the construction of a public building is not suitable for that purpose, he is authorized to exchange such site for another, or to sell it in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.].

(c) Committee approval as condition precedent to use of land as site for building

Nothing in this section shall be deemed to permit the Administrator to use any land as a site for a public building if such project has not been approved in accordance with section 606 of this title.

(Pub. L. 86-249, §6, Sept. 9, 1959, 73 Stat. 479.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsecs. (a) and (b), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that act relating to disposal of government property are classified to chapter 10 (§471 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CROSS REFERENCES

Design and construction of public buildings to accommodate the physically handicapped, see section 4151 et seq. of Title 42, The Public Health and Welfare.

§ 606. Approval of proposed projects by Congress

(a) Limitation of funds; transmission to Congress of prospectus of proposed project

In order to insure the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for such buildings, except as provided in section 603 of this title, no appropriation shall be made to construct, alter, purchase, or to acquire any building to be used as a public building which involves a total expenditure in excess of \$1,500,000 if such construction, alteration, purchase, or acquisition has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. No appropriations shall be made to lease any space at an average annual rental in excess of \$1,500,000 for use for public purposes if such lease has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. No appropriation shall be made to alter any building, or part thereof, which is under lease by the United States for use for a public purpose if the cost of such alteration would exceed \$750,000 unless such alteration has been approved by resolutions adopted by the Committee on Environ-

ment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. For the purpose of securing consideration for such approval, the Administrator shall transmit to the Congress a prospectus of the proposed facility, including (but not limited to)—

(1) a brief description of the building to be constructed, altered, purchased, acquired, or the space to be leased under this chapter;

(2) the location of the building or space to be leased and an estimate of the maximum cost to the United States of the facility to be constructed, altered, purchased, acquired, or the space to be leased;

(3) a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed facility or the space to be leased, having due regard for suitable space which may continue to be available in existing Government-owned or occupied buildings, especially such of those buildings as enhance the architectural, historical, social, cultural, and economic environment of the locality;

(4) with respect to any project for the construction, alteration, purchase, or acquisition of any building, a statement by the Administrator that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action;

(5) a statement by the Administrator of the economic and other justifications for not acquiring or purchasing a building or buildings identified to the Administrator pursuant to section 611(c) of this title as suitable for the public building needs of the Federal Government; and

(6) a statement of rents and other housing costs currently being paid by the Government for Federal agencies to be housed in the building to be constructed, altered, purchased, acquired, or the space to be leased.

(b) Increase of estimated maximum cost

The estimated maximum cost of any project approved under this section as set forth in any prospectus may be increased by an amount equal to the percentage increase, if any, as determined by the Administrator, in construction, or alteration costs, as the case may be, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this subsection exceed 10 per centum of such estimated maximum cost.

(c) Rescission of approval for failure to make appropriations for project

In the case of any project approved for construction, alteration, or acquisition by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives, in accordance with subsection (a) of this section, for which an appropriation has not been made within one year after the date of such approval, either of those Committees may rescind, by resolution, its approval of such project at any time thereafter before such an appropriation has been made.

(d) Emergency leases by the Administrator

Nothing in this section shall be construed to prevent the Administrator from entering into emergency leases during any period declared by the President to require such emergency leasing authority, except that no such emergency lease shall be for a period of more than 180 days without approval of a prospectus for such lease in accordance with subsection (a) of this section.

(e) Limitation on leasing certain space

(1) General rule

The Administrator may not lease any space to accommodate—

(A) computer and telecommunications operations;

(B) secure or sensitive activities related to the national defense or security, except in any case in which it would be inappropriate to locate such activities in a public building or other facility identified with the United States Government; or

(C) a permanent courtroom, judicial chamber, or administrative office for any United States court;

if the average rental cost of leasing such space would exceed \$1,500,000.

(2) Exception

The Administrator may lease any space with respect to which paragraph (1) applies if the Administrator first determines, for reasons set forth in writing, that leasing such space is necessary to meet requirements which cannot be met in public buildings and submits such reasons to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(f) Dollar amount adjustment

Any dollar amount referred to in this section and section 603(b) of this title may be adjusted by the Administrator annually to reflect a percentage increase or decrease in construction costs during the preceding calendar year, as determined by the composite index of construction costs of the Department of Commerce. Any such adjustment shall be expeditiously reported to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(Pub. L. 86-249, § 7, Sept. 9, 1959, 73 Stat. 480; Pub. L. 92-313, § 2(4), June 16, 1972, 86 Stat. 217; Pub. L. 94-541, title I, § 103(1), (2), Oct. 18, 1976, 90 Stat. 2505; Pub. L. 100-678, §§ 2-4, Nov. 17, 1988, 102 Stat. 4049, 4050; Pub. L. 103-437, § 14(b)(1), Nov. 2, 1994, 108 Stat. 4590.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-437, § 14(b)(1)(A), in introductory provisions, substituted “Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives” for “Committee on Public Works of the Senate and House of Representatives, respectively” in two places.

Subsec. (c). Pub. L. 103-437, § 14(b)(1)(B), substituted “Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives” for “Com-

mittees on Public Works of the Senate and of the House of Representatives, respectively,” and “of those Committees” for “the Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives.”

1988—Subsec. (a). Pub. L. 100-678, §§ 2, 3(a), substituted “\$1,500,000” for “\$500,000” in two places and inserted after second sentence “No appropriation shall be made to alter any building, or part thereof, which is under lease by the United States for use for a public purpose if the cost of such alteration would exceed \$750,000 unless such alteration has been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.”

Subsec. (e). Pub. L. 100-678, § 3(b), added subsec. (e).

Subsec. (f). Pub. L. 100-678, § 4, added subsec. (f).

1976—Subsec. (a)(3). Pub. L. 94-541, § 103(1), required the comprehensive plan to have due regard for suitable space available in existing Government-owned or occupied buildings “especially such of those buildings as enhance the architectural, historical, social, cultural, and economic environment of the locality”.

Subsec. (a)(5), (6). Pub. L. 94-541, § 103(2), added cl. (5) and redesignated former cl. (5) as (6).

1972—Subsec. (a). Pub. L. 92-313 inserted provisions relating to purchase of any building to be used as a public building and lease of any space for use for public purposes, increased from \$100,000 for construction and acquisition and from \$200,000 for alteration to \$500,000 as the maximum appropriation authorized to be made for the construction, alteration, purchase, and acquisition of any building without specified approval pursuant to resolutions adopted by the Committees on Public Works of the Senate and House of Representatives, and expanded required contents of prospectus transmitted by the Administrator to the Congress.

Subsecs. (b), (c). Pub. L. 92-313 reenacted provisions without change.

Subsec. (d). Pub. L. 92-313 substituted provisions authorizing the Administrator to enter into emergency leases in accordance with the specified conditions for provisions setting forth restrictions on the approval of new projects.

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-313 effective June 16, 1972, see section 11 of Pub. L. 92-313, set out as a note under section 603 of this title.

ISSUANCE OF REGULATIONS PURSUANT TO PUBLIC BUILDINGS AMENDMENTS OF 1972; APPROVAL OF RATES FOR SPACE AND SERVICES FURNISHED

Administrator to issue and coordinate regulations with office of Management and Budget and Director of such Office to approve rates for space and services furnished, see section 7 of Pub. L. 92-313, set out as a note under section 603 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 602a, 603, 605, 610, 611 of this title; title 31 section 781; title 42 section 8287c.

§ 607. Buildings and sites within District of Columbia

(a) Construction in harmony with plan of Peter Charles L'Enfant

The purposes of this chapter shall be carried out in the District of Columbia as nearly as may

be practicable in harmony with the plan of Peter Charles L'Enfant and such public buildings shall be so constructed or altered as to combine architectural beauty with practical utility.

(b) Contiguous squares; closing of streets and alleys

Whenever in constructing or altering a public building under this chapter in the District of Columbia the Administrator determines that such construction or alteration requires the utilization of contiguous squares as a site for such building, such portions of streets as lie between such squares and such alleys as intersect such squares are authorized to be closed and vacated if such closing and vacating is mutually agreed to by the Administrator, the Council of the District of Columbia, and the National Capital Planning Commission. The portions of such streets and alleys so closed and vacated shall thereupon become part of such site.

(c) Consultations prior to acquisitions

With respect to any lands located south of Independence Avenue, between Third Street SW. and Eleventh Street SE., in the District of Columbia, no such lands shall be acquired by the Administrator for use as sites, or additions to sites, without prior consultation with the House Office Building Commission created by the Act of March 4, 1907.

With respect to any lands located in the area extending from the United States Capitol Grounds to Eleventh Street NE. and SE. and bounded by Independence Avenue on the south and G Street NE. on the north, in the District of Columbia, no such lands shall be acquired by the Administrator for use as sites, or additions to sites, without prior consultation with the Architect of the Capitol.

(d) Stadium; contracts for athletic and other events; additional seating capacity; financing, terms and conditions; restriction of right to revenues

(1) Notwithstanding the District of Columbia Stadium Act of 1957 [D.C. Code, § 2-321 et seq.] or any other provision of law, the Armory Board (hereafter in this subsection referred to as the “Board”), created by the Act of June 4, 1948 (D.C. Code, sec. 2-1702 [sec. 2-302]), is hereby authorized to enter into contracts for the conduct in the Robert F. Kennedy Stadium authorized by such Act of 1957 of major league football, baseball, and softball, and motorcycle races, rodeos, musical concerts, and other events, and to increase the seating capacity of such stadium by an additional number of seats, not to exceed eight thousand, and at a cost not to exceed \$1,500,000. Notwithstanding such Act of 1957, or any other provision of law, the Board is further authorized to borrow such sums as may be necessary to provide for the additional seating authorized by this subsection in accordance with the following terms and conditions, which terms and conditions shall be effective during the period that any of such sums so borrowed remain unpaid:

(A) 50 per centum of all revenues from professional football derived from such additional seats shall be used solely for the purpose of repaying the sums borrowed for such seats;